

FILED

March 15, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

No. 22-50976

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

BY: JF
DEPUTY

RAVINDRA SINGH, PH.D.

PLAINTIFF-APPELLANT,

V.

WAL-MART STORES INC, WAL-MART STORES TEXAS LLC,
ALAN MARTINDALE, EVA MARIE MOSELEY, CITY OF AUSTIN,
RICHARD W. MILLER, ART ACEVEDO AND JOHN DOE I,

DEFENDANTS-APPELLEES.

On Appeal from the United States District Court For
the Western District of Texas, Austin Div.,
USDC No. 1:17-CV-1120-RP

**Appellant's Motion for Extension to File Brief to April 7, 2023 from
Current March 20, 2023 (18 days) and Motion for Leave
Supplement the ROA with Video of January 2021 Motion Hearing:
A Copy Concurrently Filed with District Court**

By: Ravindra Singh, Ph.D.
Plaintiff-Appellant Pro Se
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**APPELLANT’S MOTION FOR EXTENSION TO FILE BRIEF TO APRIL 7,
2023 FROM CURRENT MARCH 20, 2023 (18 DAYS)
AND MOTION FOR LEAVE TO SUPPLEMENT ROA WITH VIDEO OF
JANUARY 15, 2021 MOTION HEARING**

TO THE HON. COURT:

Appellant Ravindra Singh, Ph.D. proceeding pro se in the above styled and numbered case move the Court pursuant to Federal Rules of Appellate Procedure 27 and Fifth Circuit Rule 31.4, request 18 days extension of time to, and including April 7, 2023, in which to file appellant’s. Currently the brief is due on March 20, 2023. Appellant also seeks leave to supplement the ROA with a video recording of January 15, 2021 hearing on Appellant’s Second Motion to Compel disclosure/discovery responses. In support of this motion appellant respectfully asserts as follows:

1. Appellant was able to get a copy of ROA from the district court only yesterday (March 14, 2023) leaving merely six days to file appellants brief currently due on March 20, 2023 grossly inadequate time in which to prepare the brief. 2023.
2. A review of the ROA shows that the copy of the January 15, 2021 Zoom video hearing had been left out of the ROA. Appellant was advised to file the recording on a physical medium (e.g. DVD disc) instead of loading the file electronically.

3. Appellant was able to prepare the disc after considerable effort, including purchasing necessary DVD+R drive and learning the process of conversion. The DVD disc is being filed with the district court in person in an effort to save time.
4. On March 14, 2023 filed a full copy of his deposition taken by appellees in this case. Appellant has also filed a full copy of hearing on his Second Motion to Compel discovery responses. These transcripts are central to the review of the issues presented.
5. Appellant is prosecuting this matter pro se. Appellant is not an attorney. It is also his maiden attempt at prosecuting an appeal which means that appellant must learn to navigating procedural and non-procedural issues, and overcome hurdles necessarily as they crop up. Appellant is solely dependent on himself with no other resources of any kind in support.

As the notice of appeal makes clear, this appeal involves multiple parties, and significant issues dealing with federal as well as state laws that require thorough case law research. For example: the appeal involves claim arising under 42 USC §§ 10981, 1983, 1985, violation of 1st, 4th and 14th amendments to the United State constitution. This appeal also involves issues under Texas state law; e.g., false imprisonment, libel and slander, Texas Tort Claims Act and proprietary functions municipalities; personal liability of off-duty police officer appellee Millar for misconduct during performance of his duties as a security guard for his secondary

employer Walmart; state action of private employer appellee Walmart working in concert with state actor appellee Miller to name just a few. Furthermore, this appeals City of Austin/Austin Police Department off-duty secondary employment policies and practices. In addition, this appeal involves procedural and evidentiary matters including but not limited to spoliation of evidence, violation of procedural rules including Rule 16(b) – court’s scheduling order. Furthermore, this appeal involves district court’s erroneous finding of facts and consequent erroneous conclusion of law and unwarranted dismissal. It has taken a great deal of effort and time to research the case law. Even pro se, appellants are not exempt from complying with this courts exacting briefing requirements. Extension of current deadline from March 20, 2023 to, and including April 7, 2023 (18 days) is reasonable and necessary. This is appellant’s second request. Appellant is not seeking the extension for mere delay. Good cause to grant extension exists.

RELIEF REQUESTED

WHEREFORE, for good cause shown above appellants request to extend the current deadline for filing brief should be granted. Appellees would not be unduly prejudiced. Appellant in good faith conferred with counsels Ave and Kosanovich. However, they have not responded. Therefore, appellant requests additional time to file his brief.

The January 15, 2021 video is critical to issues presented in this case. The video was submitted earlier but not on a disc. Appellant will file the disc with the district court clerk in person to save valuable time.

Dated: March 15, 2023

Respectfully submitted,

/s/Ravindra Singh, Ph.D.

RAVINDRA SINGH, PH.D.

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of March, 2023, I filed the foregoing Motion to Extend Time to File Appellant Brief with the Clerk of Court for the U.S. Court of Appeals for the Fifth Circuit via CM/ECF. All counsel record will notified electronically.

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/s/Ravindra Singh, Ph.D.

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